

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

*Plaintiff,*

**v.**

**BARRY WARE,**

*Defendant.*

**No. 08 CR 00122**

**Judge Harry D. Leinenweber**

**DEFENDANT, BARRY WARE’S MOTION FOR AN ORDER REQUIRING  
DISCLOSURE OF EXPERT TESTIMONY**

NOW COMES the defendant, BARRY WARE (hereinafter, “defendant”), by and through his attorney, STANLEY L. HILL, and pursuant to Rule 12 and Rule 16 of the Federal Rules of Criminal Procedure, respectfully moves this Honorable Court for an order requiring the government to give notice of its intention to use expert testimony and to disclose the substance of said testimony and the qualifications of said expert. In support thereof, defendant states as follows:

1. The Committee Notes to Federal Rule of Criminal Procedure 16(b)(1)(C) emphasize the purpose of the rule is to “minimize surprise” to the parties and “to provide the opponent with a fair opportunity to test the merits of the expert’s testimony through focused cross examination.” Additionally, the Committee Notes emphasize “... one of counsel’s basic discovery needs is to learn that an expert is expected to testify.”
2. Consistent with Rule 16(b)(1)(C), defendant requests that the government disclose not later than 60 days prior to trial the identity and qualifications of any expert witness the government intends to call at trial. Additionally, defendant requests

that the government provide a summary of the expert's testimony and provide a copy of all reports generated by said expert along with all documents the expert relied upon in forming his/her opinion.

WHEREFORE, the defendant, BARRY WARE, respectfully requests that this Honorable Court enter an order requiring the government to disclose, at least 60 days prior to trial, the identity and qualifications of any expert witness the government intends to call at trial, along with a summary of the expert's testimony. Additionally, defendant requests an order ordering the government to produce a copy of all reports generated by said expert along with all documents the expert relied upon in forming his/her opinion.

Respectfully submitted,

/s/Stamley L. Hill,

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